

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF MARCH 23, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: Bobby Badeaux (District 1)

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky LaLumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Interim Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Lilly (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of March 23, 2004 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Bruce Conque was called upon to deliver the invocation and lead the Pledge of Allegiance.

The Chair then made the following announcements:

- The appellants withdrew item No. 9, Edgewood Subdivision Appeal, from the agenda.
- Reminded Council of Special Council Meeting immediately following this meeting.
- Councilmember Bobby Badeaux was out of town on business.
- On Tuesday, March 30, 2004, there will be a Special Council Meeting at 5:00 p.m. for issuance of Public Improvement Sales Tax Refunding Bonds; a Community Development Liaison Briefing Session at 5:30 to discuss the 2004 CDBG/HOME/Emergency Shelter Grant Program; and a Police, Fire & Safety Liaison Briefing Session to discuss the International Fire Code immediately after the Community Development Briefing.

(TAPE 1)(SIDE A)(039) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

City-Parish President Durel:

- Welcomed and introduced the Marine Corps League, Acadiana Detachment, and presented them with a proclamation proclaiming March 23 through April 23, 2004 as “Young Marines Month”.
- Recognized Gerald Hebert with a presentation on the ULL Athletic Program.

Councilmember Bourgeois announced that on March 6th, a group of employees from LUS competed in a Lineman Rodeo. Colby Bogg took 1st place in the Single Phase Tie-in. He then congratulated all who participated in the events.

RESOLUTIONS

(TAPE 1)(SIDE A)(604) AGENDA ITEM NO. 4: R-018-2004 A resolution of the Lafayette City-Parish Council making an appointment of constable of Ward 7 of the Justice of the Peace Court of Lafayette Parish, effective March 20, 2004, to fill the vacancy created by the resignation of the incumbent, Dwayne Romero and calling a special election to fill said position in the election of September 18, 2004 with a run-off, if necessary, on November 2, 2004 and qualifying on August 4 through 6, 2004, motion to adopt as amended (amendment being *to name Darrell*

Menard as Constable) by Bourgeois, seconded by Stevenson, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Badeaux
ABSTAIN: None

Motion was unanimously approved as amended.

Menard explained that Mr. Romero is moving to Houston and has notified the State of his resignation by certified mail. Based on that, the Council has 10 days from the resignation to make an appointment. Mr. Romero has recommended the appointment of Mr. Darrel Menard. Mr. Menard thanked the Council for their support.

(TAPE 1)(SIDE A)(658) AGENDA ITEM NO. 5: R-019-2004 A resolution of the Lafayette City-Parish Council authorizing the disbursement of annual funding for FY 02/03 to Acadiana Open Channel, Inc., motion to adopt by Williams, seconded by Conque.

Ottinger stated that it is the prerogative of the Council to vote to fund AOC. He opined that certain breaches had occurred and, in large, had been cured even though documents were submitted late. It would not be illegal to fund AOC.

Ottinger stated that he had added 2 additional sections: 1) *Whereas, Section 20, "Receipt of Approved Funding," in said Contract provides, in part, that, "in the circumstances where City-Parish has approved said annual plan and budget, City-Parish shall make all payments specified herein to AOC"; and 2) Whereas, the Council has reviewed and approved AOC's submitted annual plan and budget; and.* He explained he added these paragraphs to conform to the language in the contract.

Through discussion between the Council, Legal Counsel and City-Parish Auditor, it was determined that the contract mandated that certain documents, such as audits, quarterly reports, capital and operating plans and activity reports should have been submitted to LCG's Accounting Division by a certain date each year. Since 2002, several of these documents were delinquent. Several Councilmembers stated that this was truly a breach of contract and, since it is after the fact, AOC should not be given the funding for FY 02/03. Ottinger suggested that the Council amend the resolution for FY 02/03 to authorize the funding providing the Administration reviews the materials and reports back to the Council.

Upon questioning by Williams, Lalumia stated that \$220,000 is historically the amount allocated to AOC. The funds come from the City (\$150,800) and Parish (\$69,200) General Funds. This is offset by the cable franchise tax (\$618,000). If these funds are not allocated to AOC, the funds are returned to the General Fund.

A substitute motion was offered by Conque, seconded by Broussard to table R-019-2004, and the vote was as follows:

YEAS: Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: Williams, Benjamin
ABSENT: Badeaux
ABSTAIN: None

Motion was approved to table.

Benjamin requested that the Administration be given adequate time to review this request and then to come back to the Council with a firm recommendation.

Conque reminded that the Council did not have proper notification or time to consider the amendments made to the resolution. If the Council is going to hold up its responsibility as elected officials, the Council has to have the time to give an issue adequate consideration before the vote. This did not happen tonight. Stanley suggested that a special meeting be called on March 30, 2005 at 5:30 p.m. for approval of these resolutions.

(TAPE 2)(SIDE A)(112) AGENDA ITEM NO. 6: R-020-2004 A resolution of the Lafayette City-Parish Council authorizing the disbursement of annual funding for FY 03/04 to Acadiana Open Channel, Inc., motion to adopt by Williams, seconded by Benjamin.

Ed Bowie, AOC Director, stated that AOC had served this community faithfully for the last 21 months and have not been compensated. With volunteer help, AOC might be able to stay open until April 6th. The staff can be paid through March 31, 2004.

A motion was offered by Williams, seconded by Benjamin to amend the resolution by deferring the approval process to the Administration such that the Administration will review it for compliance and make a recommendation back to the Council for subsequent funding.

Upon questioning by Mouton, Lalumia reported that as of June 30, 2003, the quarterly reports received by LCG are just revenue and expense statements. There are no balance sheets attached. As of June 30, 2003, fund balance is \$273,564 and cash balance is \$126,129. Several options for funding AOC were brought to the table. Stanley opined that the contract allows for an allocation of no less than \$220,000 on an annual basis. There is no set time frame; it just states, on an annual basis, LCG must provide no less than this amount. LCG could fund 1 to 2 weeks of the funds and keep AOC afloat for the time being. Williams pointed out that 1) this was simply an attempt to find a way to fund AOC and to verify that AOC has a “zero” balance, and 2) the conformity issue for FY 03/04 was not as great as 02/03 in terms of documentation.

A substitute motion was offered by Stevenson, seconded by Conque to fund AOC for one (1) month, in the amount of \$18,333.33, pending subsequent review. The maker and the second accepted this amendment.

Williams stated that the bottom line is to keep AOC open and a majority of the Council wants to see that happen. He requested that these resolutions be placed on the Council agendas, with current funding, until the funding issue is resolved.

Conque then inquired as to how soon a Special Meeting can be called to discuss the resolutions. The Chair called the Special Council Meeting for Tuesday, March 30, 2004 at 5:00 p.m. Williams requested preparation of an alternative to fund AOC in case the resolutions were not adopted at that time.

Benjamin then called for the question and the vote was as follows:
YEAS: Bourgeois, Benjamin, Conque, Mouton, Stevenson, Menard
NAYS: Williams, Broussard
ABSENT: Badeaux
ABSTAIN: None
Motion was approved.

The Chair then called for a vote on the substitute motion, as amended, and the vote was as follows:
YEAS: Williams, Benjamin, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Badeaux
ABSTAIN: None
Motion was approve.

The Chair then explained to the Director of AOC that one month’s funding has been approved. The resolutions for the funding for FY 02/03 and 03/04, along with the approval of AOC’s budget, will be placed on the Special Meeting agenda of March 30, 2004 at 5:00 p.m.

EXECUTIVE SESSION

(TAPE 2)(SIDE A)(748) AGENDA ITEM NO. 7: Renee Dugas versus Lafayette City-Parish Consolidated Government and Oren Haydel, 15th Judicial District Court, Docket Number: 2003-1243 “B”, Lafayette Parish, Louisiana, Risk Management Claim No. 0002032-002.

A motion was offered to go into executive session by Stevenson, seconded by Conque, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Badeaux
ABSTAIN: None
Motion was unanimously approved.

A motion was offered to return to regular session motion by Broussard, seconded by Williams, and the vote was as follows:
YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Badeaux

ABSTAIN: None

Motion was unanimously approved.

ORDINANCES FOR FINAL ADOPTION – ZONING

(TAPE 2)(SIDE B)(001) AGENDA ITEM NO. 8: O-042-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify property owned by River Ranch, LLC, Case No. Z2004-003 River Ranch Expansion Property Rezoning, located generally south of the Village of River Ranch, west of Settlers Trace Boulevard, north of West Martial Avenue, and east of the Vermilion River, from GAD (Growth Area District) to R-1-B (Single-Family Residential), R-1-C (Single and Two-Family Residential), and B-T (Transitional Business), motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Badeaux

ABSTAIN: None

Motion was unanimously approved.

Robert Daigle, developer of River Ranch, was recognized and stated that this action is consistent with the zoning in River Ranch.

APPEALS

(TAPE 2)(SIDE B)(001) AGENDA ITEM NO. 9: Consider an appeal of the Planning Commission's action concerning the Edgewood Subdivision, Resubdivision on Lots 1-3. *Item was withdrawn at the request of the applicants.*

REPORTS AND/OR DISCUSSION ITEMS

(TAPE 2)(SIDE B)(003) AGENDA ITEM NO. 10: **Discussion**

a. Holiday Gardens Subdivision update.

Public Works Director Tom Carroll reported that, at this point, crews were in the process of gathering data, i.e., crossings, pipe sizes, etc.

Menard angrily countered that under the previous Administration, the Public Works Director made several commitments and, as of now, nothing has been done to move forward. The residents do not want the ditches cleaned until the coulee is cleaned and no one from Public Works has ever gone out there to inspect the coulee. The new Administration is three months into this and still no relief.

Mouton stated that he was in receipt of a letter regarding three lots in Holiday Gardens Subdivision, which were owned by a now defunct subdivision association. The residents are inquiring as to selling these lots to offset some of the costs on the new sewer system going in. A memo will be sent to the Lafayette City-Parish Attorney for review.

Regarding Menard's statement, Stanley offered that Carroll was given a list of several projects in January and apparently this is one that they did not get to. He offered an answer to Menard posthaste.

The following individuals were recognized:

C. Bodensteiner angrily stated that nothing has been resolved in Holiday Gardens. He asked when this neighborhood would see relief. Stanley asked that Bodensteiner give Public Works time to go out and see what the problem is and come up with a solution. Bodensteiner asked that this be given priority.

Jaywood Domingue passed.

Virginia Pine passed.

b. Drainage problem on E. Farrel Road.

Mouton explained that Ms. Roberson has a catch basin in her yard and since the subsurface system was installed on Farrell Road, her yard holds water. She would like the basin lowered. A Request for Service has been issued and the Public Works Director agreed to look into this issue.

c. Report on ACTION Unit.

Major Simon reported the following from the ACTION Unit only:

	<u>February</u>	<u>March</u>
Arrests	114	109
Summons	14	8
Citations	117	142
Arrests from Citations	35	49

In the last 30 days, the ACTION Unit has issued 26 arrests and 24 citations in the Monroe Street/ Block area.

Williams thanked Major Simon for his report. He requested the following: 1) that notice go to LUS for possibly more lighting in this area, to Environmental Quality Department for tall, overgrown grass and to Marcus Bruno for abandoned vehicles, 2) that the building on the corner of Gilman and Pierce be looked at to see if it can be declared a public nuisance for closure, and 3) that the Hanes/Ancelet/Ambroise area be patrolled for solicitation of drugs. Williams then stated that a report had been requested from the Sheriff, Police Chief and District Attorney on criminal penalties for the solicitation of drugs. Since those reports have not been received, he will place the ordinance back on the agenda for consideration.

The following individuals were recognized:

Patrick Brasseaux commended the new Administration on their work thus far. He then spoke of several problems in the Monroe Street area and thanked the police for their attention, but mentioned that more police officers are needed.

Shelby Williams expressed his concern regarding the issuing of traffic tickets in District 3 and 4 and officers justifying it by stating that Districts 3 and 4 are high-crime areas. Councilmember Williams requested that a copy of Chief Hundley’s monthly report be forwarded to Mr. Williams.

Jeffrey Landry suggested a Citizen Investigation Committee to monitor the police officers.

The Chair then requested that Chief Hundley include, in his next report, the number of charges that were thrown out of court for lack of supporting evidence.

d. Update on speeding on Evangeline Thruway between Pinhook Road and Willow Street.

Tony Tramel, Director of Traffic & Transportation, reported that upon the Council’s request, he forwarded the request on to Bill Fontenot, LaDOTD since the thruway is under state control. Mr. Fontenot’s department collected data, compiled the data and concluded that the present speed limits were reasonable for fair enforcement. No changes were recommended.

Williams thanked Tramel for the information but disagreed. He stated that if nothing can be done about the speed limit on the Thruway, enforcement will have to be increased to be sure the speed limit is being honored as posted.

The following individual was recognized:

Patrick Brasseaux stated the only way to keep individuals from disobeying the law is to enforce the law. He recommended doubling the patrol division within the Police Department.

- e. Neighborhood Housing Services Program.

Lewis reported that the Community Development Department took over the portfolio for NHS in 2001. The portfolio came with 48 loans and there are presently 44 outstanding loans. CD has also granted 38 tandem rehab loans. Since taking over as Director, she has contacted the representative for the Southern District, Neighborhood Investment Corp. and he is willing to meet with the Council. Williams requested that this issue be placed on the agenda in 120 days for recommendations from the Administration.

- f. Train regulations.

Williams stated that a memo from the Lafayette City-Parish Attorney opined that the Council could not regulate how fast trains go in the City or how long they stay on the tracks. Ottinger added that this was because trains are interstate commerce and the law is clear that Federal Law would trump state or local law.

Williams requested that Ottinger draft a resolution to the Congressional Delegation, who regulate that industry, to express the Council's concern about Burlington Northern and the speed of the trains within the corporate limits of Lafayette and the amount of time that they are sitting on the tracks.

The following individual was recognized:

Patrick Brasseaux passed.

- g. Railroad crossing repairs.

Tramel reported that he received notice from Burlington Northern regarding a series of railroad repairs to be made in Lafayette Parish. The Traffic & Transportation Department then sent out a news release indicating that Pierce St. would be closed on Monday, March 22nd; however, subsequent to that an additional press release came about indicating they had changed their schedule. They would basically start on the south end of the Parish and work their way northward. At this time they have completed Spring St. and Garfield and are making good progress.

- h. Maintenance of railroad property between Lafayette and Carencro.

Williams stated that several years ago there was an initiative to turn the section of track between Lafayette and Carencro into a scenic park. Apparently that initiative was abandoned and now that section is in deplorable condition. Ottinger reported that the main concern is ownership. When the railroad track was put down with a Right of Reversion meaning that when it ceased to be used as railroad purposes it would revert back to the property owners/heirs. This is private ownership and the government has the right to cite the owner for a grass lien, etc.

Williams requested that the Administration begin to cite those property owners along the railroad track using the ordinances that are on the books. He also requested that the Administration make recommendations in the next 30 days.

COMMENTS FROM THE PUBLIC

(TAPE 3)(SIDE A)(032) AGENDA ITEM NO. 11: Comments from the public on other matters.

Patrick Brasseaux urged the Council to provide more police protection for Lafayette.

Phillip Zeno commented on the Daily Advertiser article in the February 18, 2004 edition and urged the Council to continue to support the late-night bus service.

Shelby Williams commented on what he considered unfair treatment to certain constituents regarding the Council's 3-minute speaking rule.

Wallace Senegal requested to speak but was not present when called upon.

Louis Kellogg suggested a 50 cents fee to put aside for repairs needed to the Cajundome, Courthouse and Convention Center. Chair Menard requested that a letter be drafted to Greg Davis regarding it to present to their Board.

Jeffrey Landry expressed his opinion regarding the advertising and commercializing of the term “Ragin Cajun”.

Carlton Vincent asked how he could meet with a councilmember. Menard invited Vincent to meet with him after this meeting.

ADJOURN

(TAPE 3)(SIDE A)(313) There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS
CLERK OF THE COUNCIL